

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JULIAN GUTIERREZ-PONCE,

Defendant.

No. CR20-036-RSL

**PRELIMINARY ORDER  
OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Entry of a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Julian Gutierrez-Ponce's interest in the following property ("Subject Property"):

1. \$15,900 in U.S. currency, seized on or about February 19, 2020, from Defendant Gutierrez-Ponce's residence in Seattle, Washington;
2. \$16,000 in U.S. currency, seized on or about February 19, 2020, from Defendant Gutierrez-Ponce's residence in Seattle, Washington; and
3. A Polymer 80 9mm pistol and 40 rounds of ammunition, seized on or about February 19, 2020, from Defendant Gutierrez-Ponce's residence in Seattle, Washington.

1 The Court, having reviewed the United States' Motion, as well as the other papers  
 2 and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of  
 3 Forfeiture is appropriate because:

- 4 • The above-identified property is forfeitable pursuant to 21 U.S.C. § 853(a),  
 5 as it constitutes or is traceable to proceeds of, and/or facilitated his  
 6 commission of Conspiracy to Distribute Controlled Substances, in violation  
 7 of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 846; and,
- 8 • Pursuant to the plea agreement he entered on August 31, 2021, the  
 9 Defendant agreed to forfeit the Subject Property pursuant to 21 U.S.C.  
 10 § 853(a) (Dkt. No. 97, ¶ 12).

11  
 12 NOW, THEREFORE, THE COURT ORDERS:

13 1. Pursuant to 21 U.S.C. § 853(a) and his plea agreement, the Defendant's  
 14 interest in the Subject Property is fully and finally forfeited, in its entirety, to the  
 15 United States;

16 2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will  
 17 be final as to the Defendant at the time he is sentenced, it will be made part of the  
 18 sentence, and it will be included in the judgment;

19 3. The Department of Justice, Drug Enforcement Administration ("DEA"),  
 20 and/or its authorized agents or representatives, shall maintain the Subject Property in its  
 21 custody and control until further order of this Court;

22 4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the  
 23 United States shall publish notice of this Preliminary Order and its intent to dispose of the  
 24 Subject Property as permitted by governing law. The notice shall be posted on an official  
 25 government website – currently [www.forfeiture.gov](http://www.forfeiture.gov) – for at least thirty (30) days. For  
 26 any person known to have alleged an interest in the property, the United States shall, to  
 27 the extent possible, provide direct written notice to that person. The notice shall state that  
 28 any person, other than the Defendant, who has or claims a legal interest in the property

1 must file a petition with the Court within sixty (60) days of the first day of publication of  
 2 the notice (which is thirty (30) days from the last day of publication), or within thirty (30)  
 3 days of receipt of direct written notice, whichever is earlier. The notice shall advise all  
 4 interested persons that the petition:

- 5 a. shall be for a hearing to adjudicate the validity of the petitioner's
- 6 alleged interest in the property;
- 7 b. shall be signed by the petitioner under penalty of perjury; and,
- 8 c. shall set forth the nature and extent of the petitioner's right, title, or
- 9 interest in the property, as well as any facts supporting the petitioner's  
 claim and the specific relief sought.

10 5. If no third-party petition is filed within the allowable time period, the  
 11 United States shall have clear title to the Subject Property, and this Preliminary Order  
 12 shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

13 6. If a third-party petition is filed, upon a showing that discovery is necessary  
 14 to resolve factual issues it presents, discovery may be conducted in accord with the  
 15 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
 16 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
 17 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
 18 adjudication; and,

19 7. The Court will retain jurisdiction for the purpose of enforcing this  
 20 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of  
 21 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to  
 22 Fed. R. Crim. P. 32.2(e).

23 IT IS SO ORDERED.

24 DATED this 28th day of December, 2021.

26 

27 THE HON. ROBERT S. LASNIK  
 28 UNITED STATES DISTRICT JUDGE

1 Presented by:

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